

AMENDED IN ASSEMBLY JUNE 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1105

Introduced by Assembly Members Simitian and Shelley

February 23, 2001

An act to ~~add Section 11465.8 to~~ *repeal and add Section 11465.6 of* the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1105, as amended, Simitian. Child care: foster family homes: child care reimbursement.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including foster family homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds.

Existing law provides that the department establish a program in up to 5 consenting counties under which licensed family homes and relative caregivers would be provided with reimbursement for the cost of licensed child care for each foster child under 13 years of age, if any of specified conditions are met.

This bill would *repeal that requirement, and, instead, would, subject to the appropriation of funds and federal approval*, require the department, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a system to provide child care assistance under specified circumstances for foster children in the care of a licensed family home or relative ~~caregivers~~ *caregiver* receiving payments under the AFDC-FC program.

Because each county is required to administer the AFDC-FC program, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to accomplish all of the following:

3 (a) To provide high quality early childhood education and
4 schoolage child care programs for children in foster care.

5 (b) To provide safe and stable homelike placements for
6 children served by the foster care system.

7 (c) To recruit and retain high quality foster families, including
8 working parents, to ensure an adequate supply of homes for abused
9 and neglected children.

10 (d) To avoid costly and often inappropriate placements of
11 children.

12 (e) To reduce the financial barriers for current foster parents in
13 finding high quality child care so that they may attend foster parent
14 training, work outside the home, and participate in activities
15 related to fulfilling their foster caregiving responsibilities.

16 (f) *To support counties in their responsibility to meet the needs*
17 *of foster children in a manner that recognizes county*
18 *circumstances and conforms with uniform statewide standards.*

19 SEC. 2. The Legislature finds and declares all of the
20 following:

21 (a) Child care in a high quality setting can provide children with
22 experiences that enhance their social, emotional, and behavioral
23 development and improve school readiness, and successful
24 transition into elementary school.

25 (b) Foster children and their foster families should be provided
26 with the resources and support necessary to ensure optimal growth
27 and development in a cost-effective manner.

(c) By providing child care to foster families, this act provides offsetting savings to the state and counties based on the following:

(1) Reduced utilization of emergency shelter placement.

(2) Reduced use of inappropriate foster family agencies and group home placements.

(3) Reduced social work activity due to fewer disrupted placements.

(4) Increased federal financial participation in the cost of child care for children in foster care.

~~SEC. 3. Section 11465.8 is added to the Welfare and Institutions Code, to read:~~

~~11465.8.—~~

~~SEC. 3. Section 11465.6 of the Welfare and Institutions Code is repealed.~~

~~11465.6.—(a) Up to five counties selected by the department, and at the discretion of the counties, may implement a countywide program for licensed family homes and relative caregivers receiving payments under this chapter under which they may receive reimbursement for the cost of licensed child care for each foster child under 13 years of age in the care of the licensed family home or the relative caregiver, during any period that any of the following apply:~~

~~(1) The foster parent or relative caregiver is working outside the home.~~

~~(2) The foster parent or relative caregiver is participating in foster care training.~~

~~(3) The foster parent or relative caregiver is fulfilling necessary foster care-related administrative duties, such as conferences and judicial reviews that are not ordinarily parental duties.~~

~~(b) A foster family home shall only receive a reimbursement for child care that is provided by a licensed provider and if an agreement has been documented in the child's case plan.~~

~~(c) The cost for reimbursements authorized by this section shall be shared equally between the state and the county. Funds appropriated pursuant to Chapter 6 (commencing with Section 17600) of Part 5 shall not be used to meet the county match requirement under this section.~~

~~(d) The department shall, in consultation with participating counties, establish rates of child care reimbursement under this section.~~

~~(c) Of the five counties to be selected, the department shall select, at minimum, one large county, one medium county, and one small county, based on population size if a county from each category submits a written expression of its desire to participate. In addition, the department shall give priority to any county that meets both of the following criteria:~~

~~(1) The county has experienced a net loss in the total number of licensed foster family homes.~~

~~(2) The county has demonstrated a deficit in the number of licensed foster family beds for the county's population of foster children requiring out-of-home placement.~~

~~(f) Each participating county shall report to the department on an annual basis. The information to be reported to the department shall be determined by the department in consultation with the County Welfare Director's Association. At a minimum, the annual report shall include the number of foster parents claiming a child care reimbursement, the number of children served under this section, and an analysis of the impact of the child care reimbursement on the recruitment and retention of licensed foster home providers. The department shall provide the appropriate policy and fiscal committees of the Legislature with a report of the use of child care pursuant to this section on or before June 30, 2003.~~

~~(g) The department may issue emergency regulations for the purpose of implementing this section.~~

SEC. 4. Section 11465.6 is added to the Welfare and Institutions Code, to read:

11465.6. (a) The department, with the advice, assistance, and cooperation of the counties and foster care providers, shall develop, implement, and maintain a statewide system to provide child care assistance for foster children in the care of a licensed family home assistance to eligible foster care providers, defined as licensed foster family homes or relative caregivers receiving AFDC-Foster Care payments under this chapter. Child care assistance may include reimbursement of child care expenses to the licensed family home or relative caregiver incurred by the eligible foster care provider, or direct payment to the child care provider.

(b) Child care assistance shall be available for the cost of licensed child care for each foster child in the care of the licensed

~~family home or relative caregiver for whom the licensed family home or relative caregiver is receiving payments under this chapter eligible foster care provider during the period that any of the following apply:~~

(1) The foster parent or relative caregiver is working outside the home.

(2) The foster parent or relative caregiver is participating in foster parent training.

(3) The foster parent or relative caregiver is fulfilling necessary foster care related administrative duties, such as *attending* conferences and judicial reviews.

~~(4) The provision of licensed child care is a service provided to address a specific need of the child as documented in the child's case plan.~~

~~(e)~~

(c) Child care assistance shall be available statewide to eligible foster care providers for actual child care expenses up to one-half of the regional market rate established pursuant to Section 8447 of the Education Code. The nonfederal share of the cost of child care assistance shall be paid by the state.

(d) Child care assistance shall be available only to reimburse or pay the cost of care provided by a licensed child care provider.

~~(d)~~

(e) The need for child care and the plan for providing care shall be documented in the child's case plan.

~~(e) The department, in consultation with the counties, shall establish rates of child care assistance pursuant to this section.~~

~~(f) The department and the Secretary of Education shall conduct a survey or otherwise gather data to determine the extent to which state and county funds are currently being used for child care assistance for foster children. The department shall maximize federal financial participation in child care assistance for foster children and shall, by April 1, 2002, submit an amendment to the state plan under Subtitle B (commencing with Section 470) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 670 and following) to the United States Department of Health and Human Services to reflect the provisions of this section.~~

(f) On an annual basis, each county shall report information to the department. The information to be reported shall be determined by the department in consultation with the County

1 *Welfare Directors Association and shall include, at a minimum, all*
2 *of the following:*

3 *(1) The number of foster parents for whom child care assistance*
4 *was paid pursuant to this section.*

5 *(2) The number of foster children served.*

6 *(3) Any other information as may be necessary to determine the*
7 *effect of child care assistance provided under this section on the*
8 *ability of counties to recruit and retain foster parents.*

9 *(g) (1) Implementation of this section shall be contingent upon*
10 *receipt of federal financial participation and an appropriation in*
11 *the Budget Act or other statute. If any federal approvals are*
12 *necessary, the department shall, by February 1, 2002, submit an*
13 *amendment to the state plan under Part E (commencing with*
14 *Section 670) of Title 4 of Chapter 7 of Title 42 of the United States*
15 *Code, to the United States Department of Health and Human*
16 *Services.*

17 *(2) Although this section shall not be implemented unless*
18 *federal financial participation is received in accordance with*
19 *paragraph (1), if this section is implemented, its application, in*
20 *whole or in part, shall not be limited to persons for whom federal*
21 *financial participation is available.*

22 *(3) Notwithstanding subdivision (c), in any year in which*
23 *insufficient funds are appropriated to serve all eligible foster care*
24 *providers and children, priority shall be given to children who are*
25 *under seven years of age. Only 25 percent of the cost of child care*
26 *shall be reimbursed, with any nonfederal cost paid by the state.*

27 SEC. 4. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 this act provides for offsetting savings to local agencies or school
30 districts that result in no net costs to the local agencies or school
31 districts, within the meaning of Section 17556 of the Government
32 Code.